



Pequannock River Coalition

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April 8, 2015

NJDEP
Division of Water Supply
Bureau of Water Allocation
P.O. Box 426
Trenton, New Jersey 08625-0426

RE: Water Allocation Permit for the City of Newark
Program Interest ID - 5123
Permit Number - WAP090001
Expiration Date - 07/31/2014

To Whom It May Concern:

The Pequannock River Coalition has been monitoring the water temperature in the Pequannock River Watershed as a state-licensed laboratory since 2001. As you are aware, the Pequannock River and several of its tributaries are listed as “impaired” due to excessive water temperatures on the Department’s Integrated Report.

The manipulation of this watershed by the City of Newark has a profound impact on these temperatures and on the aquatic life of its rivers and streams. In 2009, the above referenced permit was re-issued by the Department with specific changes meant to improve conditions for this aquatic life, principally wild trout.

Our monitoring has revealed that the permit changes governing the release of water at the Oak Ridge Reservoir have been very effective in improving water temperatures in the section of the river between the Oak Ridge Reservoir and Charlottesburg Reservoir.

Other new requirements in the 2009 permit, controlling the release of water at Charlottesburg Reservoir, have been less successful. Water temperatures there on many occasions continue to be far in excess of state standards.

Although we are keenly aware that changes in procedures and permit requirements must not reduce the City of Newark’s safe yield from this system, we know that some positive modifications can be made without a loss of potable water, and supplied recommendations accordingly.

We recently received the latest draft version of the permit with several changes aimed at addressing these problems. Below are our comments on these changes and other recommendations.

As noted in prior letters, the continuing problems below Charlottesburg are largely due to the fact that, even though a specific passing flow was required there, the type of release was not designated. During summer months, when the surface water of the Charlottesburg Reservoir is high in temperature, a release of water over the spillway will raise temperatures in the downstream portion of the river. If, instead, this water were released from bottom valves in the reservoir, it would reduce these temperatures.

Since the amount of passing flow would be the same, regardless of where it is released, a bottom release would not cause any loss of potable water for the City of Newark. Therefore, we believe the permit should be modified to require a continual release of this water at the minimum rate from bottom valves, as is required at Oak Ridge. This change may not completely solve the problem during times of very high spillway flows, but it would certainly help to achieve the same success we have enjoyed at Oak Ridge.

We see that the Department agrees, and has requested that the permit be modified to require a 4.4 cfs bottom release at Charlottesburg, except under certain drought conditions. We believe this measure will go a long way toward addressing this problem and applaud the Department for making the change.

We have also expressed our concern in the past on the role beaver activity plays in this reservoir system. Uncontrolled, beaver dams, and the ponds and lakes they produce can greatly impede the flow of water through the Pequannock River and other critical waterways from reservoir to reservoir.

We believe the applicant should permanently retain the services of an animal control specialist to rectify this problem and, working with the Division of Fish and Wildlife, develop a program to address it.

The Department acknowledges this problem and says that the applicant should be required to conduct a survey to "...identify a plan to curtail beaver activity in the Pequannock River watershed." We do question if plan creation is enough. Merely developing a plan without putting it into action may be insufficient.

As you know, we have been looking at conditions in Clinton Brook, below the Clinton Reservoir. This brook is identical to the Pequannock River in that it is a "trout production" waterway, it is listed as "impaired" for water temperature on the Department's Integrated Report, and is greatly impacted through manipulation of its flow by the City of Newark.

Currently, it is not protected by any requirement for a minimum release from the Clinton Reservoir. Because of this, summer temperatures in the brook can become greatly elevated during periods of low flows. Conversely, when a bottom release is initiated and water is being transferred from Clinton Reservoir to Charlottesburg Reservoir, flows are much increased and temperatures decrease drastically.

It is our belief that the City of Newark could operate this release in a way that is better balanced and more beneficial to aquatic life, while still serving the City's water needs. We believe that improved operational requirements and procedures for release of water at the Clinton site should be included in this permit.

Although this concern is mentioned in the permit renewal analysis, it remains unaddressed. We would urge the Department to at least study this concern and its potential resolution.

We were unaware of the problems with funding to operate several of the USGS gaging stations. These stations are essential to the long-term health of this system. In this regard we applaud the Department's requirement that the applicant fund the operation of these stations.

We note the recommendation to dispense with the required 68-degree seasonal average at Oak Ridge. Since this requirement has had no impact on the release rate, we do not dispute this change.

Finally, we question the reissuance of this permit for a period of ten years. The period for this permit has varied since it was first issued. Recent events have shown that our knowledge of this system can grow rapidly. Since acting on this knowledge generally occurs upon permit renewal, waiting ten years for this opportunity may be unwise. A permit period of five years, the same as the last renewal, is more reasonable.

Please contact us if you have any questions on this or if we can provide any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Ross Kushner". The signature is written in black ink and is positioned to the left of the typed name.

Ross Kushner
Executive Director

cc: J. A. Enck, USEPA Region 2
Borough of Bloomingdale
Borough of Kinnelon
Township of West Milford